

Village of Canal Winchester 36 South High Street Canal Winchester, Ohio 43110-1213

Village Council Monday, March 3, 2008 7:00 PM

Minutes

Call to Order:

Mr. Deeds called the meeting to order at 7:01pm

Pledge of Allegiance:

Boy Scouts led the Pledge of Allegiance

Roll Call:

John Bender

Rick Deeds

Bruce Jarvis

Bobbie Mershon

Victor Paini

Marilyn Rush-Ekelberry

Leah Turner

Approval of Minutes:

Ms. Mershon moved to approve the minutes from the February 18, 2008 meeting. Mr. Paini seconded the motion.

Mr. Jarvis noted in the new business section that it was actually himself working with Don Miller on the alley names, not Gene Hollins.

Mr. Paini also noted that the minutes referenced Columbia Gas and Mr. Paini when it was actually Mr. Deeds.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mr. Jarvis, Ms. Mershon, Mr. Paini,

Ms. Turner

NAYS

Ms. Rush-Ekelberry abstained.

Motion carried.

Communications & Petitions:

None at this time.

Village Residents Comments:

Five-minute limit per person

Doug Snyder, of 7587 Walnut Dr., is representing the Scouting movement within the Village of Canal Winchester; Boy Scouts, Cub Scouts and Girl Scouts. He is asking Council for support for the annual Scouting for Food drive which will take place on Saturday, March 15th from 9am to noon. Last year was very successful, collecting almost 3000 canned goods in three hours. Mr. Snyder hopes to surpass that number this year and is asking for any help from Council in proclaiming that day "Scouting for Food" Day would be appreciated.

Office: (614) 837-7493 Fax: (614) 837-0145

Jeffrey Bond, of 36 Washington St, just returned from Florida and saw that Fort Myers and Fort Lauderdale are light years ahead of us in regards to development. Their strip malls are unique and the traffic engineering is in a better direction and uses a Civil 3D system that we have not implemented here. Mr. Bond again asks that Council look at the ideas that he has brought forth for the last several years in order to make this a place that people choose to live over anywhere else.

John Garrett, of 250 Cherokee Court South, came to give a brief update on the status of Main Street Canal Winchester and the Downtown Reinvestment statistics. Last Thursday, Jeff Sigler, Director of Revitalization for Heritage Ohio came to Canal Winchester for the annual Main Street evaluation. The Main Street program is overseen by the National Trust for Historic Preservation. Mr. Garrett is proud to inform Council that Canal Winchester was accredited for the fifth consecutive year as a National Main Street Program. We are one of 1800 communities across the nation that has this recognition. It was no easy feat.

Mr. Garrett would like to thank Bob Garvin, Economic Restructuring Committee Chair, Shirley Meuser, Promotions Committee Chair, and Marsha Hall, Organization Committee Chair. Since 2003, there were 25 rehabs in the Downtown and 2 ¼ million dollars of private money was spent. Over 3 ¼ million of public money was spent on improvements in the Downtown. Four new businesses have come in, net, over all the new businesses. 30 new businesses came in 5 years and 26 have left. 35 new fulltime jobs and 41 part-time jobs have been added. 5 business expansions have been added. Volunteers' hours totaled 13,300 for the Main Street Program to the end of 2007. For every dollar invested in the program, a \$17.50 return has been seen.

The Mayor and Mr. Deeds both expressed their gratitude for the work that has been done and asked that Mr. Garrett take that thank you back to the Committee members.

Mr. Garrett noted that Rick Wagner of Wagner Insurance is opening a new business on High Street and he raises llamas, so the llamas were incorporated into the ribbon cutting downtown today.

Mr. Deeds has a request to move up the Resolution for the Scouting event. Ms. Mershon moved to move it up on the agenda and Mr. Paini seconded the motion.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mr. Jarvis, Ms. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Ms. Turner

NAYS

Motion carried.

Mr. Paini asked the press to give some coverage to the Scouts so that residents can expect them on their doorstep on March 15th, 2008.

Sponsor: Mr. Paini

R-08-02B A RESOLUTION TO PROCLAIM MARCH 15, 2008 AS 'SCOUTING FOR FOOD DAY' Mr. Paini read the Resolution and moved to waive the rules requiring a third reading. Dr. Bender seconded that motion.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mr. Jarvis, Ms. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Ms. Turner

NAYS

Motion carried.

Mr. Paini moved to adopt Resolution number 04-08. Ms. Mershon seconded the motion.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mr. Jarvis, Ms. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Ms. Turner

NAYS

Motion carried.

Quick break so that Scouts could leave.

ORDINANCES:

FIRST Reading

Sponsor:

Mr. Deeds

O-03-08A

AN ORDINANCE TO MAKE A TECHNICAL CORRECTION TO ORDINANCE NO. 34-

04 REGARDING THE EICHHORN PARCEL REZONING, AND TO DECLARE AN

EMERGENCY

Mr. Deeds read the Ordinance and moved to suspend the rules for the second and third reading. Ms. Mershon seconded the motion.

Mr. Hollins noted that the Ordinance inadvertently stated "PRD" and the legislation all through the process was "PCD". This can be addressed by State Technical Corrections Statutes and will allow the correction to be made without going through the entire process again.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mr. Jarvis, Ms. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Ms. Turner

NAYS

Motion carried.

Mr. Deeds moved that Ordinance 11-08 be adopted. Mr. Jarvis seconded the motion.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mr. Jarvis, Ms. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Ms. Turner

NAYS

Motion carried.

Sponsor: Mrs. Turner

O-03-08B

AN ORDINANCE TO AWARD THE CONTRACT FOR THE REPAIR OF THE ROOF AT TOWN HALL IN THE AMOUNT OF \$15,695.00 TO ABLE ROOF AND DECLARING

AN EMERGENCY.

Mrs. Turner read the Ordinance and moved to suspend the rules requiring a second and third reading. Ms. Rush-Ekelberry seconded the motion.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mr. Jarvis, Ms. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Ms. Turner

NAYS

Motion carried.

Mrs. Turner moved to adopt Ordinance 12-08. Motion seconded by Ms. Mershon.

Mr. Deeds clarified that the reason for the emergency is that the roof is currently leaking in Town Hall.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mr. Jarvis, Ms. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Ms. Turner

NAYS

Motion carried

Sponsor: Mr. Jarvis

O-03-08C

AN ORDINANCE TO REPEAL EXISTING CHAPTER 713 OF THE VILLAGE CODE, TO ADOPT NEW CHAPTER 713 OF THE VILLAGE CODE REGARDING PEDDLERS AND SOLICITORS, TO ESTABLISH PEDDLERS AND SOLICITORS REGISTRATION PROCESS, AND DECLARING AN EMERGENCY.

Mr. Jarvis clarified that this Ordinance will put in place a new procedure where by solicitors wanting to apply for a license will have a small background check run on them before the license is issued. Ms. Nanisa Osborne further clarified that this would very clearly set the days and hours in which they may operate. There are two sections, one is in regards to individuals who wish to solicit, and the second is in regards to businesses that bring groups into the Village of Canal Winchester. Non-profit organizations will not be technically getting a license, but instead be registering to let the Village know what they will be doing and when. Ms. Osborn also clarified that the emergency clause is not in there to suspend the second and third reading, but to let the ordinance go into immediate effect if it is passed. This will better prepare the Village for the spring.

Mr. Jarvis read the Ordinance. First reading only.

SECOND Reading

Sponsor: Mrs. Turner

O-02-08H

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AGREEMENTS

FOR THE PURCHASE OF THE RIGHT OF WAY NECESSARY FOR THE

RECONSTRUCTION OF COLUMBUS STREET AND DECLARING AN EMERGENCY

Mrs. Turner read the Ordinance. Second reading only.

Sponsor: Mrs. Mershon

O-02-08K

AN ORDINANCE DETERMINING THE VIDEO SERVICE PROVIDER FEE TO BE PAID BY A VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE VILLAGE PURSUANT TO A STATE AUTHORIZATION; AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE FEE; AND

DECLARING AN EMERGENCY.

Mrs. Mershon read the Ordinance. Second reading only.

Sponsor: Mr. Paini

O-02-08L

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH C. F. BIRD & R. J. BULL, INC. FOR PROFESSIONAL ENGINEERING

SERVICES

Mr. Paini read the Ordinance. Second reading only.

THIRD READING

Sponsor: Mr. Paini

O-08-02A Al

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH QUALITY CONTROL INSPECTION, INC. FOR CONSULTING SERVICES RELATING TO CONSTRUCTION INSPECTION FOR THE PERIOD FROM JANUARY

1, 2008 THROUGH FEBRUARY 1, 2009.

Mr. Paini read the Ordinance and moved to adopt Ordinance 13-08. Dr. Bender seconded the motion.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mr. Jarvis, Ms. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Ms. Turner

NAYS

Motion carried

Sponsor: Mrs. Turner

O-08-02D

AN ORDINANCE TO ABOLISH THE NO RIGHT TURN ON RED DURING

DESIGNATED TIMES RESTRICTION FROM THE INTERSECTION OF

WASHINGTON ST. AND COLUMBUS ST.

Mrs. Turner read the Ordinance and moved to adopt Ordinance 14-08. Mr. Paini seconded the motion.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mr. Jarvis, Ms. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Ms. Turner

NAYS

Motion carried

Sponsor: Mrs. Turner

O-08-02E

AN ORDINANCE TO ABOLISH THE NO PARKING RESTRICTIONS ON COLUMBUS

ST. WEST OF WASHINGTON ST.

Mrs. Turner read the Ordinance and moved to adopt Ordinance 15-08, seconded by Ms. Mershon.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mr. Jarvis, Ms. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Ms. Turner

NAYS

Motion carried

RESOLUTIONS:

Taken care of earlier in the meeting.

Mayor's Report:

Mayor Ebert stated that applications for the Community Watch Program are still being taken and volunteers are needed. Applications are available at the Municipal Building.

It is being considered to open up the swimming pool concession stand to a third party this year for food safety and other financial reasons.

Mayor Ebert also wanted to make everyone aware that the Canal Winchester Boy's basketball team is playing Thursday in the Regional game at Wright State. Mayor Ebert invites everyone to come see this team. There is a McDonald's All American and an Ohio State signee on the team.

Ms. Mershon moved to accept the Mayor's Court Report for January 2008, seconded by Mr. Jarvis.

Mr. Deeds noted that the numbers are significantly different than last years. Ms. Osborn agreed and stated that a lot of the numbers are weather related.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mr. Jarvis, Ms. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Ms. Turner

NAYS

Motion carried

Public Works Director:

Mr. Peoples stated that utility relocation work has started on Columbus Street. South Central Power has already been there and Columbia Gas is coming in this week. Selected trees may be removed as early as next week. AT&T made an error in their calculations and didn't include all of the work that was requested. Therefore, we will be coming back at next Council meeting for an amendment of that Ordinance.

Dietz / Gender traffic went fully operational last Wednesday. The first day it was operational was a snow storm and a car went off the road and hit it.

Mr. Peoples met with the City of Columbus about a Gender Road safety study last week and it was a productive meeting. Funds will be requested from ODOT. The goal is a 5 lane road from the WB 33 off ramp to just north of the Winchester Pike intersection, then it will go back to 3 lanes until just north of Lehman Road. There has been a relocation of Winchester Pike into Winchester Lakes scheduled for quite some time and that will be addressed.

Planning meeting with the "Safe Route to School" is scheduled for next week. It is a new funding opportunity from ODOT.

The water plant operations have been under control. Chemical feed issues have been addressed.

Tower maintenance contract is being worked through and will be back in front of Service Committee in March.

A sludge press demonstration will be done. Mr. Jarvis asked what the options are with the new press. Mr. Peoples clarified that the liquid sludge is being hauled by a single contractor at this time 2000 gallons at a time. This sludge press will allow there to be multiple modes of removal of the sludge and will allow the sludge removal to be less weather dependant. The sludge press will remove 18% of the water which will allow the sludge to go from a liquid to a solid and then be distributed to any of 4 sludge fields to which we are currently applying it. It is used as a fertilizer by the farmers. It will be a much more efficient process.

2008 Street CIP bid opening will open on March 14th and the apparent low bidder will be taken to the Service Committee in March. The contract will not be ready to be awarded until the first meeting in April.

Mr. Peoples phase two deposition in the Lithopolis lawsuit is scheduled for next week.

Discussion ensued regarding the City of Columbus' portion of the Gender Road Safety study.

Mr. Deeds has had people from the homeowner's association asking about reseeding in the area of the Gender road light. Mr. Peoples stated that there is still a lot of work to do in that area. A water line needs repaired and restoration needs completed and will be done so when the weather is better in the spring.

Development Director:

Mr. Strayer noted that the Retail Match list from Buxton was received.

Mr. Strayer wrote a new request for proposals updated to our thoroughfare plan and it is going through senior staff for final revisions at this time.

Mr. Jarvis asked if there are stats in the Buxton report that are note-worthy. Mr. Strayer replied that it is actually a list created which shows which businesses whose criteria meet our demographic. A discussion ensues regarding the list which Mr. Strayer handed out.

Dr. Bender asked if there has ever been a theatre interested in Canal Winchester. Mr. Strayer stated that he looked into it a couple of years ago with a contact that he had and at that time, the contact was not interested.

Community Affairs Director:

Ms. Hoover was not in attendance.

Village Solicitor:

Mr. Hollins stated that there is a signed contract with David Evangelical Lutheran for the ROW for the bike path. Soon all the ROW's will be cleared, as will utility relocation. Most likely it will be bid out this fall and constructed in the spring of 2009.

Mr. Hollins also reported that we are strongly opposed to changing the current Mayor's Court situation with House Bill 154.

Fairfield County Sheriff:

Dep. Jeff Dixon gave the report in the absence of Sgt. Kern. See written report.

Finance Director:

Ms. Osborn handed out a list of concerns, comments and objections about Substituted House Bill 154. We have many concerns, not the least of which is that it makes Mayor's Court a Court of Record. This means that a transcriptionist must be at court. It would become a much more formal court than it currently is and would become a much bigger operation to manage on a daily basis. The reason for the change is that they do not want Mayor's to preside over Mayor's court and in this court that has not been the case for a number of years. We have a magistrate to preside over the court so that there are not administrative function difficulties that may occur in some jurisdictions.

Ms. Osborn requests a resolution that expresses our concern over the changes they are making in the law and would express the objections that are compiled. Ms. Osborn will present a resolution for Council's consideration at the next meeting so that we can get it to the members of the House that represent our area.

Also, Ms. Osborn stated that the Ohio Healthy Families Act is an act that is being presented to the legislature for their consideration, much as the Minimum Wage Act was presented. This would provide all employees, of businesses with at least 25 employees, at least 7 paid sick days annually (56 hours) in addition to any program that is currently in place at any employer. So for our employees,

who earn 119 hours of sick leave a year, it would add 56 hours of paid sick time. This would amount to \$42,533.96 for the Village of Canal Winchester if those hours were taken. The days accrue immediately upon hire. The leave can be taken in one hour increments. Employers have no means to discipline or terminate for the use of these hours. They can be used for any undocumented medical reason for the employee, their children, spouse, parents or in-laws. Employers can require medical certification only if the leave exceeds 3 consecutive work days and the employees have 30 days to provide that certification. If employers violate this, employees may sue to recover 3 times damages and attorneys fees.

Ms. Osborn has some reservations about this Act. This is a very expensive proposition.

Mr. Jarvis asked if it would be legal to have legislature that would, in the event of this act being passed, offset the sick hours. Ms. Osborn replied that she would need legal counsel with regards to that. It is her understanding that it is written so that employers may not offset the hours in any way.

Ms. Osborn has filed the annual report with the State Auditor's office and it will be available to Council later this week.

Council Reports:

Old Town Committee	Monday, March 10, 2008 at 5:45 PM
Finance Committee	Monday, April 7, 2008 at 5:45 PM
Service Committee	Monday, March 17, 2008 at 5:45 PM
Safety Committee	Monday, March 10, 2008 at 5:00 PM
Committee of the Whole	Monday, March 24, 2008 at 6:30 PM

New Business:

None at this time.

Old Business:

None at this time.

Adjourn to Executive Session: Not needed at this time.

Adjournment:

Mr. Paini moved for adjournment of the meeting and Dr. Bender seconded the motion.

VOTES:

AYES Dr. Bender, Mr. Deeds, Mr. Jarvis, Ms. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Ms. Turner

NAYS

Time out: 7:59pm

11

1 arisas

Clerk of Council

Date

President of Council

Mayor

NOTE: The minutes set forth herein are an extract of the Council meetings. Anyone desiring a transcript of the complete minutes of the Council meeting may obtain the same at a cost of \$10.00 per page.